

This document is intended to guide parties in complying with the Waste Bans in the Solid Waste Management Facility Regulations at 310 CMR 19.017.

This document is intended solely as guidance. It does not create any substantive or procedural rights, and is not enforceable by any party in any administrative proceeding with the Commonwealth. The Waste Ban regulations include bans on disposal or transfer for disposal or contracting for disposal of specific solid waste materials. This document summarizes these requirements and provides guidance on approaches the Department considers acceptable for meeting the Waste Bans. Parties using this guidance should be aware that there may be other acceptable alternatives for achieving compliance with the Waste Bans.

GUIDANCE FOR SOLID WASTE HANDLING AND DISPOSAL FACILITIES ON COMPLIANCE WITH DEP'S WASTE ~~BAN~~DISPOSAL RESTRICTIONS

I. BACKGROUND

This guidance document is intended to assist operators of solid waste facilities to comply with the waste ~~bandisposalrestrictions-requirements~~ at 310 CMR 19.017. In accordance with the provisions and the timetable set forth in the ~~Massachusetts~~ Department of Environmental Protection's (DEP's) ~~October, 1999~~ INSERT DATE amendments to its solid waste facility regulations (General Requirements, Procedures and Permits for Solid Waste Management Facilities, 310 CMR 19.000 - PART I), acceptance for the purpose of disposal or transfer for disposal of the following materials is restricted at Massachusetts solid waste transfer stations, landfills, combustors, and construction and demolition debris processing facilities: lead-acid batteries, white goods, leaves and yard waste, glass containers, metal ~~containers,~~ and plastic containers, recyclable paper, ~~and~~ cathode ray tubes (CRTs), asphalt pavement, brick, concrete, metal and wood. The restrictions ofn wood and whole tires do not apply to combustion facilities. ~~at Massachusetts solid waste transfer stations is restricted as of April 1, 2000. In addition, as of April 1, 2000, CRTs are added to the above list of items already restricted (including whole tires at landfills) at Massachusetts landfills and incinerators.~~

It is the intent of the DEP to add additional construction and demolition debris materials at later dates to meet the DEP's Beyond 2000 Solid Waste Master Plan goal of an 88% reduction in non-MSW by 2010.

The regulations at 310 CMR 19.017 require solid waste handling and disposal facilities to submit waste ban compliance plans. Once a plan is approved by DEP, it must be implemented by the facility. DEP will use a facility's approved ~~the~~ plan to evaluate compliance with the waste bans and conduct enforcement ~~(if needed)~~.

This document is not a regulation. It provides guidance to facility operators regarding the development of acceptable waste ban compliance plans, and supersedes all prior guidance pertaining to waste ban compliance plans.

Waste ~~b~~Ban ~~e~~CCompliance plans should demonstrate how the facility operator will not dispose, or transfer for disposal, solid waste commingled with unacceptable quantities of restricted materials. DEP has provided a form all facilities are encouraged to use to

generate their plan (see the attached Waste Ban Compliance Plan Form). Management of restricted materials in accordance with a facility's approved compliance plan will demonstrate the facility's compliance with 310 CMR 19.017.

This document includes the following sections:

- Facilities subject to waste ~~control~~ ban regulations
- Definitions of materials restricted by 310 CMR 19.017
- Compliance with waste ban regulations
- Ongoing waste stream monitoring
- Comprehensive waste load inspection
- Facility response to failed loads
- Compliance plan submittal and approval
- Enforcement of waste ~~control~~ ban regulations

Also included are the following attachments:

- Attachment A - Ongoing Monitoring Recording Sheet
- Attachment B - Comprehensive Inspection Recording Sheet
- Attachment C - Sample Facility Letter to Hauler
- Attachment D - Summary of Waste Ban Requirements
- Attachment E - Sample Facility Letter to Municipality
- Attachment F - Sample Signage Language
- Attachment G - Waste Ban Compliance Plan ~~f~~Form

II. FACILITIES SUBJECT TO 310 CMR 19.017

The following facilities must comply with the waste ~~disposal~~ ban restrictions:

- Solid waste landfills;
- Solid waste combustors; and
- Solid waste transfer stations; and-
- Construction and demolition debris processing facilities.

The waste ban ~~rules~~ regulations require that all solid waste facilities submit compliance plans. DEP will not require plans from ash-only or sludge-only landfills because those facilities do not manage municipal solid waste or construction and demolition debris. ~~This requirement may be fulfilled by construction and demolition (C&D) facilities by submitting a letter from the owner or operator (as defined in 310 CMR 19.000) to DEP indicating that the C&D facility does not handle municipal solid waste and is unlikely to receive restricted materials. This letter also should state the intention of the operator to remove any lead-acid batteries, white goods, whole tires (landfills only) or CRTs observed in the disposal stream. The letter should be sent to the solid waste section chief of the appropriate DEP regional office. See the enclosed DEP Regional Contact Sheet for more information.~~

III. DEFINITIONS OF MATERIALS RESTRICTED BY 310 CMR 19.017

Asphalt Pavement, Brick, and Concrete: pavement or building material normally used in construction activities.

Batteries: lead-acid batteries used in motor vehicles or stationary applications.

Cathode Ray Tubes: any intact, broken, or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes.

Glass Containers: glass bottles and jars (soda-lime glass) but excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics.

Leaves: deciduous and coniferous leaf deposition.

Metal: ferrous and non-ferrous metals derived from used appliances, building materials, industrial equipment, transportation vehicles, and manufacturing processes.

Metal Containers: aluminum, steel or bi-metal beverage and food containers.

Recyclable Paper: all paper, corrugated cardboard, and paperboard products. This excludes tissue paper, toweling, paper plates and cups, wax-coated corrugated cardboard, and other low-grade paper products, which become unusable to paper mills as a result of normal intended use.

Single Polymer Resin Plastics: all narrow-neck plastic containers.

White Goods: appliances employing electricity, oil, natural gas or liquefied petroleum gas to preserve or cook food; wash or dry clothing, cooking or kitchen utensils or related items; or cool or heat air or water. These include refrigerators, freezers, air conditioners, water coolers, dishwashers, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters.

Whole Tires: motor vehicle tires of all types. A shredded tire is a tire that has been cut, sliced or ground into four or more pieces such that the circular form of the tire has been eliminated. (Whole tires may be disposed at combustion facilities ~~incinerators~~; shredded tires may be landfilled.)

Wood: treated and untreated wood. (Wood may be disposed at combustion facilities.)

Yard Waste: grass clippings, weeds, garden materials, shrub trimmings, and brush 1" or less in diameter (excluding diseased plants).

IV. COMPLIANCE WITH WASTE BAN REGULATIONS

To ensure compliance with waste ban regulations, facilities are required by the regulations to submit a plan that must describe their plans and procedures for ensuring that they do not dispose, or transfer for disposal, restricted material. These waste ban compliance plans are required to ~~should~~ be sent to the solid waste section chief in the appropriate DEP regional office ~~by January 1, 2000~~ 90 days prior to effective date of the waste ban and must be implemented by ~~April 1, 2000~~ [Effective Date]. The plans may be submitted using forms in Attachment G and should include at least the following activities:

- Ongoing waste stream monitoring of all incoming loads;
- Comprehensive waste load inspections of certain loads; and
- Facility response to failed loads, including ~~W~~ritten communication that will be sent to responsible parties when they deliver unacceptable amounts of restricted materials.

These activities, as well as DEP's definition of acceptable amounts of ~~banned~~restricted materials that can be accepted for disposal, are outlined in more detail below.

V. ONGOING WASTE STREAM MONITORING

To identify the presence of restricted materials in waste loads, compliance plans should provide for ongoing waste stream monitoring. A waste stream monitoring system should provide effective means for the facility to: 1) detect and divert restricted materials from disposal or transfer for disposal; 2) identify haulers and generators who are shipping restricted materials to the facility; and 3) compare the monitoring results against the results of comprehensive load inspections to see if they are representative of all incoming loads.

Facilities that routinely separate and divert restricted materials that have de minimus levels established meet the ongoing waste-stream monitoring requirement for those restricted materials. For example, a construction and demolition debris processing facility that routinely separates out and recycles and/or diverts from disposal asphalt pavement, brick, concrete, metal, and wood, satisfies the monitoring requirement for those materials. However, that facility should monitor loads for other restricted materials that it does not routinely separate out and recycle and/or divert from disposal. Subsequently, facilities only need to keep records and follow up on failed loads for materials that are not routinely separated and diverted, and restricted materials that have no de minimus level established.

Load Selection

The facility should monitor all vehicles to identify restricted materials. This includes loads from municipalities with a Department Approved Recycling Program (DARP) and vehicles that do not receive a comprehensive load inspection as described in Section VI below.

Monitoring Procedure

Facility personnel who observe waste loads during the execution of normal waste handling practices should conduct waste stream monitoring. ~~To effectively demonstrate to waste suppliers the facility's intention of not accepting restricted materials above acceptable quantities, this monitoring program must be enforced.~~

DEP believes that ~~this~~ waste stream monitoring is feasible for detection and removal of individual batteries, whole tires, white goods, and CRTs. In addition, waste stream monitoring can be used to ~~should~~ identify significant quantities of yard waste, corrugated cardboard, ~~and other~~ recyclable paper, asphalt pavement, brick, concrete, metal, wood and in some cases, facilitate their removal. Detection and/or removal of glass containers, metal containers, and plastic containers may be infeasible unless large quantities of these materials are found.

Unacceptable Quantities

DEP's goal is to identify and remove ~~all as many banned restricted~~ materials as feasible during the ongoing monitoring procedure. ~~where they are easily identifiable items that can be removed (e.g. tires, CRTs, white goods, and corrugated cardboard).~~ DEP considers tires, CRTs, white goods, corrugated cardboard, asphalt paving, brick, concrete, metal and wood to be easily identified and removed. At the same time, DEP recognizes that other ~~banned restricted~~ materials may arrive at the facility mixed with solid waste and, if in small quantities, may be difficult to remove. Therefore, facility personnel should use the standards laid out in Section VI - D to determine if loads contain unacceptable quantities of restricted materials. Personnel who observe waste loads with unacceptable quantities of restricted materials should follow the procedures outlined in Section VII.

Record-keeping

The facility operator should record and maintain information on all loads containing unacceptable quantities of restricted materials delivered in vehicles with a capacity of greater than 5 (five) cubic yards. (See Attachment A for suggested format.) Operators do not need to keep records of loads containing restricted materials that are routinely accepted at the facility, separated and diverted from disposal.

VI. COMPREHENSIVE LOAD INSPECTIONS

Comprehensive load inspections complement waste stream monitoring by providing a detailed accounting of the types, amounts and sources of material entering the facility in a limited sample of waste loads each month. In addition, results of comprehensive load inspections can be compared with ongoing monitoring results to check for discrepancies. This section provides guidance to facility operators on frequency of inspections, selection of loads for inspections, inspection procedures, restricted material quantity allowances and reporting for comprehensive load inspections. Operators are encouraged to develop and implement innovative detection methods, such as the use of video monitors or third party “auditors” of waste ban compliance activities.

In most cases, municipal transfer stations that do not accept commercial loads or waste from private haulers will not need to conduct comprehensive load inspections, as noted in subsection A below.

Facilities that routinely separate and divert restricted materials that have de minimus levels established meet the comprehensive inspection requirement for those materials. For example, a construction and demolition debris processing facility that routinely separates and diverts asphalt pavement, brick, concrete, metal and/or wood, satisfies the comprehensive inspection requirement for those materials. However, these facilities should conduct comprehensive load inspections for other restricted materials. Subsequently, facilities only need to keep records and follow up on failed loads containing restricted materials that are not routinely separated and diverted, and restricted materials that have no de minimus level established.

A. Loads not Subject to Comprehensive Load Inspections

- i) Municipal loads originating from cities and towns included on the list of DEP Approved Recycling Programs (DARP) need not be inspected for the presence of glass containers, metal containers ~~and~~ —, plastic containers, paper, leaves and yard waste. Nonetheless, due to the use of a random method for vehicle selection, loads from listed municipalities are certain to be selected for inspection. When this occurs, the waste should be monitored as noted in Section V above and inspection should proceed for the purpose of identifying other restricted materials, i.e., lead-acid batteries, white goods, whole tires (at landfills), ~~and~~ CRTs, asphalt pavement, brick, concrete, metal and wood. The next non-DARP load should ~~be~~ then be inspected. Inspections of “DARP loads” should not count toward the minimum number of comprehensive inspections per month.
- ii) Comprehensive load inspections need not be conducted for vehicles with less than a 5 cubic yard capacity. Most passenger vehicles and pick-up trucks have less than 5 cubic yard capacity.
- iii) Disposal facility operators need not conduct comprehensive inspections of transfer trailer loads originating from transfer stations because transfer station

operators are monitoring their waste streams and conducting their own comprehensive inspections. However, landfill and incinerator personnel, through their ongoing waste stream monitoring efforts, should identify and note transfer trailer loads with unacceptable quantities of restricted materials.

B. Load Selection

- i) Facilities should complete a minimum number of inspections per month, as indicated in The Inspection Frequency Table below provides guidance on the number of inspections DEP believes reasonable to ensure compliance. Facilities should indicate in their Waste Ban Compliance Plan whether they intend to employ Option A or Option B (see Section VI-C Inspection Procedure below). The deterrence capability of an inspection program stems from a combination of the number of days each month or year on which inspections occur and the percentage of loads inspected.

Inspection Frequency Table		
Facility Size in Permitted Tons per Day	<u>OPTION A: The contents of at least 5 bags are opened and inspected</u> Min. # of Vehicles to Inspect per Month <i>(must have at least 5 <u>cubic yard</u> capacity)</i>	<u>OPTION B: The facility opts NOT to open bags</u> Min. # of Vehicles to Inspect per Month <i>(must have at least 5 <u>cubic yard</u> capacity)</i>
Municipal transfer with no private haulers or commercial users	0	<u>0</u>
1-99	2	<u>4</u>
100-299	4	<u>8</u>
300-499	6	<u>12</u>
500-999	8	<u>16</u>
1000 +	10	<u>20</u>

- ii) In recognition of the need to provide equitable treatment for all of a facility's waste suppliers, vehicles should be selected for inspection on a random basis. Random load selection also will ensure inspection of waste from all types and sizes of collection vehicles. Facility operators should devise an inspection schedule that frequently varies and is kept confidential so as not to alert haulers in advance.

C. Inspection Procedure

Comprehensive load inspections should be conducted in a manner that does not endanger the safety of facility or hauler personnel. In general, waste loads designated for inspection should be spread out in a manner that will allow operator personnel to identify restricted material. ~~However, where it is consistent with personnel safety, the inspection of bags for glass, metal and plastic containers may occur before the entire load is tipped.~~ Facility personnel should then assess the load by following one of the two procedures outlined below:

Option A: Facility personnel first should visually inspect waste by walking around the load looking for restricted materials that are typically unbagged (e.g., white goods, CRTs, corrugated cardboard, asphalt pavement, brick, concrete, metal and wood). Then, personnel should randomly select a minimum of five (5) bags of refuse. These five bags should then be opened and examined for unacceptable levels of restricted materials as described in Section V-D. However, where it is consistent with personnel safety, the inspection of bags may occur before the entire load is tipped.

Option B: Facility personnel should visually inspect waste by walking around the load looking for restricted materials that are typically unbagged (e.g., white goods, CRTs, corrugated cardboard, asphalt pavement, brick, concrete, metal and wood). Then, personnel should scan the bagged waste for obvious evidence of restricted materials (e.g., clear bags containing paper, leaves, plastic containers, glass containers, and/or metal containers; paper yard waste bags; plastic bags of leaves that “bounce” off the truck).

Once a waste load has been tipped and ~~leveled to~~ inspected for restricted materials and unacceptable quantities of restricted materials are discovered, the entire load is considered to have failed the inspection and should be recorded as such. See Section VI-D for descriptions of unacceptable quantities of restricted materials. Guidance on procedures for how the facility should respond to failed loads are outlined in Section VII.

In the case of transfer stations where it is logistically infeasible to spread out waste loads for inspection, the facility’s compliance plan should describe how restricted materials will be identified. Options include visually inspecting the contents of roll-off containers or selecting five or more trash bags for inspection before the load is tipped.

D. Unacceptable Levels

The waste ban regulation bans all of the specified banned materials from disposal or transfer for disposal. As a practical matter, a 100% ban is not feasible in all circumstances and with each banned material. The following provides guidance on how the waste bans should be applied for each banned material.

- i) Lead-acid batteries, white goods, whole tires (except tires which can be disposed of at incinerators) and CRTs are unacceptable in any quantity and can be ~~easily~~ detected in a ~~leveled~~ load of refuse.
- ii) Unbagged leaves and yard waste are not easily counted and should be estimated as a percentage of the refuse load - they should not exceed 10% of the load’s volume. Bagged leaves and yard waste may be counted by the bagful, in which case the following quantities constitute unacceptable levels established for leaves and yard waste:

Vehicle Type Inspected

Unacceptable Levels

Roll-off Container	20 or more bags
Packer Truck	10 or more bags
Dump Truck or Smaller	5 or more bags

- iii) Glass containers, metal containers and plastic containers should be identified by opening trash bags and inspecting their contents. The combined acceptable level established for glass containers, metal containers and plastic containers is 5 or fewer units per bag of refuse. Five refuse bags from each inspected load should be opened and their contents checked. If at least 3 of the 5 bags contain more than 5 glass, metal or plastic container units, then that load fails. Facilities following Inspection Option B described above should estimate the aggregate amount by volume. An acceptable quantity is 20% 10% or less by volume.
- iv) ~~iv)~~ — Recyclable paper should be estimated as a percentage of the refuse load volume. ~~Whether this volume estimate is made for the 5-bag sample described above for bottles and cans or it is applied to the load as a whole, a~~ An acceptable quantity is 20%¹ or less by volume for recyclable paper.
- v) ~~Asphalt pavement, brick, concrete, metal and wood should be estimated as a percentage of the container load volume. An acceptable quantity is 20%¹ or less by volume of the cumulative total of asphalt paving, brick, concrete, metal and wood.~~

E. Record Keeping

To implement the record keeping requirement of 310 CMR 19.017 (5)(b) the facility operator should record and maintain the following information on comprehensive load inspection activities (See Attachment B for suggested format.):

- Number of tons or cubic yards of solid waste received on any inspection day;
- Date of inspection;
- Hauler's name, address and phone number for each load inspected;
- Municipality where refuse originated;
- Total tons or cubic yards of waste in each inspected load;
- The quantity of restricted materials discovered, ~~retained~~ separated and diverted from disposal or transferred for disposal by the operator ~~for recycling (or shredding in the case of tires)~~, returned to the hauler, disposed on-site or transferred for disposal. Where a failed load is disposed at the facility or transferred for disposal due to difficulties associated with reloading it (see

¹ In order to improve the ability of tip floor staff to make judgment calls on the ~~paper~~ composition of waste deliveries, facility operators could run tests to establish the appearance of typical loads with 10%, 20%, 30%, etc. ~~paper composition of different types of restricted materials~~. Photographs would then be used by tip floor staff to compare inspected loads against the 20% that is allowed.

Section VII-B(iii)), the operator's rationale for the decision should be included in the inspection program records;

- Documentation of communication follow-up with haulers and/or generators connected with failed loads as noted in Section VII.

~~See Attachment B for suggested format.~~

The inspection program data should be attached to the comprehensive facility inspection report covering the period in which the inspection took place. In addition, the facility's annual report should summarize and incorporate the inspection program data.

Operators are encouraged to include materials in their reports, such as photographs or videotapes; to document inspection activities and the detection and handling of failed loads.

Operators do not need to keep waste ban records of loads containing restricted materials that are routinely accepted at the facility, separated and diverted from disposal.

VII. FACILITY RESPONSE TO FAILED LOADS

A. Communication

~~For the DEP requires a~~ facility inspection program to effectively increase recycling and diversion of ~~banned restricted~~ materials to more environmentally sound management options. ~~there needs to be an appropriate response to any loads failing either the ongoing waste stream monitoring system or the comprehensive waste load inspection. When a waste load is found to contain unacceptable quantities of restricted materials, the facility should do the following: The facility should take the following actions when loads contain unacceptable amounts of restricted materials, with the exception of materials routinely separated and diverted from disposal (as noted in Sections V and VI):~~

- Notify the driver that the load is in violation of the waste control regulations.
- Identify the generator, if known.
- Record the hauling company and truck number.
- Record the type and amount of restricted material found in the load.
- Record the date of violation.
- Send a letter to the hauler (see Attachment C), identifying which ~~banned restricted~~ materials were in the load and encouraging the hauler to work with its customers to separate ~~banned restricted~~ materials and recycle or dispose of them appropriately. The facility also should furnish a DEP letter and fact sheet (see Attachment D) to the hauler explaining the waste ~~disposal control~~ restrictions. Sample letters should be included with the facility's waste ban compliance plan.

- vii) If the source of the ~~banned~~restricted material is a municipally-run or contracted operation, the facility should send a letter to the municipality (see Attachment E) stating that unacceptable quantities of ~~banned~~restricted material were found in its waste and encourage the community to contact DEP for technical assistance. The facility also should furnish a DEP letter and fact sheet (see Attachment D) to the municipality explaining the waste disposal restrictions. Sample letters should be included with the facility's compliance plan.
- viii) If the ~~banned~~restricted material is identified through the Ongoing Monitoring procedure and the source is ~~an individual who delivered waste in~~ a vehicle with a capacity of less than five (5) cubic yards, the facility should notify the ~~individual~~driver that the facility is ~~not supposed~~prohibited ~~to~~from accepting ~~banned~~restricted material mixed with solid waste. ~~Also~~As appropriate, the facility should ~~inform~~direct the ~~individual~~driver ~~when the facility has area~~to designated ~~areas~~ for managing source-separated ~~banned~~restricted materials and provide appropriate instructions.
- ix) Keep a record of letters sent out as a response to failed loads on the facility's premises, as part of the record keeping requirements in 310 CMR 19.017 (5)(b).
- x) Keep files of any photographs or videotapes of waste ban implementation activities.

B. Failed Load Disposition

- i) All loads containing lead-acid batteries, white goods, whole tires (at landfills only), and CRTs should be rejected or reloaded unless the facility sets the materials aside for recycling.
- ii) ~~Facilities are not required to reject Mmunicipal loads from DARP communities should not be rejected for that~~ containing unacceptable quantities of recyclable paper, leaves and yard waste, glass ~~containers~~, metal ~~containers~~ and plastic containers.
- iii) Facility operators should follow the hierarchy listed below for handling failed loads from all other sources, (including businesses, institutions and multi-family residences from a DARP municipality that do not participate in the municipality's solid waste and recycling program).
 - Reject or reload the waste if there are substantial quantities of recoverable recyclables in the load and there are reasonable outlets for the material(s).
 - Accept the waste load; then ~~to the maximum extent possible, separate and divert restricted materials from disposal restricted materials (in the case of wood and whole tires, divert from disposal at landfills). recycle corrugated cardboard, recyclable paper, leaves and yard waste, glass, metal and plastic containers.~~

- In the case of restricted construction and demolition debris, restricted material (i.e., asphalt pavement, brick, concrete, metal and wood) may be transferred to facilities that have an approved Waste Ban Compliance Plan, or can demonstrate that they will not accept restricted material for disposal, or further transfer for disposal.
 - Dispose (or transfer for disposal) the load, when the waste cannot be recycled, rejected or reloaded because reloading the waste would endanger workers or substantially disrupt facility operations. The facility operator's rationale for disposing a failed load should be recorded.
- iv) To encourage source separation and compensate for the time consumed in handling restricted material, the facility may consider charging a handling fee to haulers delivering unacceptable quantities of restricted material, or providing financial incentives to haulers that deliver “restricted material-free” waste.

VIII. OTHER COMPLIANCE PLAN ELEMENTS

A. Training

The plan should include a description of annual training for facility personnel regarding how to monitor waste loads for restricted materials, conduct waste load inspections, and keep proper records.

B. Signage

The plan should include certification that the operator has posted appropriate signs at facility entrance and at waste receiving area(s) informing facility users of the waste control regulations and listing the pertinent materials restricted from disposal and transfer from disposal prohibition against disposing of restricted materials. (See Attachment F for example).

C. Annual report

In the plan, the operator should commit to answer all questions relating to the waste ban compliance plan on the facility’s annual reporting form provided by DEP.

IX. COMPLIANCE PLAN SUBMITTAL AND APPROVAL

A. Deadline for plan submission

Pursuant to 310 CMR 19.017, facilities are required to submit waste ban compliance plans for DEP review by January 1, 2000 at least 90 days prior to the effective date of the ban. The plans should be addressed to the solid waste section chief at the appropriate DEP regional office.

B. Appropriate Permit Application Forms and Approval Process

Facilities are encouraged to use the enclosed Waste Ban Compliance Plan Form (see Attachment G) to ensure that the key elements of this document are included and speed DEP's evaluation. The following facilities also must submit a permit modification form with their waste ban compliance plan:

- All solid waste transfer and handling facilities permitted at 50 tons per day or greater (Form *BWP SW 07 – Modification of a Large Handling Facility*)
- Solid waste landfills (Form *BWP SW 22 – Landfills – Minor Modifications*)
- Solid waste incinerators (Form *BWP SW 21 – Modifications of a Small Handling Facility*)
- Any solid waste transfer and handling facility permitted at less than 50 tons per day that will undergo construction as a result of implementing its waste ban compliance plan (Form *BWP SW 21 – Modification of a Small Handling Facility*)

DEP will review plans from these facilities in accordance with 310 CMR 19.037 – Provisional Permit Review Process.

Solid waste transfer and handling facilities permitted at less than 50 tons per ton and not undergoing construction should submit their waste ban compliance plans with a cover letter (i.e., no permit modification form required). These plans will be presumptively approved if DEP does not contact the operator within 45 (forty-five) days of receipt of the plan, in accordance with 310 CMR 19.039(6) – Alternative Review Process for Certain Modifications.

X. COMPLIANCE AND ENFORCEMENT

A. Facility Compliance Plan Implementation

To Comply with 310 CMR 19.017 Waste Control provisions, a facility will implement actions in its ~~occur through each facility's efforts to ensure that its~~ approved compliance plan ~~is fully implemented~~ and ensure that restricted wastes are diverted from disposal.

B. Department Inspection Program

DEP will conduct facility inspections to determine if the facility is employing a waste stream monitoring program and conducting comprehensive load inspections in accordance with its approved compliance plan. In addition, DEP personnel may review facility records concerning its monitoring and waste load inspection program to corroborate facility compliance activities. Records of correspondence between the facility and haulers and/or generators also will be reviewed to determine whether the facility is conducting its waste stream monitoring and load inspections and whether the appropriate parties are notified about failed loads and the opportunities to source separate restricted materials.

In addition to observing ongoing waste stream monitoring procedures, DEP may request that comprehensive inspections be performed in the presence of a DEP inspector, for the purpose of observing and evaluating the facility's comprehensive waste load inspection process, even if such inspections were not scheduled for that day.

C. Modification of Compliance Plan

Under 310 CMR 19.017 (7), DEP may allow acceptable quantities of restricted materials to be disposed or transferred for disposal at solid waste disposal facilities (as explained in Section VI-D of this guidance document). If Department personnel determine that a facility has disposed or transferred for disposal restricted materials in excess of the acceptable quantities despite having implemented its approved compliance plan, the Department may require the submission of a modified compliance plan.

D. Non-Compliance with Plan

In accordance with the DEP's Enforcement Response Guidance, enforcement may include written notices of non-compliance, consent orders, unilateral orders or referral to the Attorney General. Repeat, pattern, willful or other serious violations may result in daily penalties of up to \$10,000 for each violation.